

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,
Plaintiff,
v.
R. MORENO, et al.,
Defendants.

Case No. 1:21-cv-00327-ADA-EPG (PC)
ORDER GRANTING IN PART PLAINTIFF'S
MOTION TO MODIFY SCHEDULING
ORDER
(ECF No. 136)

Kristin Hardy ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 3, 2022, Plaintiff filed a motion to modify the scheduling order. (ECF No. 136). In particular, Plaintiff asks the Court to extend the deadline for filing motions to compel from January 1, 2023, until January 30, 2023, and the dispositive motion deadline from February 17, 2023, to April 6, 2023. According to Plaintiff's motion, Plaintiff was given until January 1, 2023, to submit motions to compel regarding supplemental responses. However, Plaintiff did not receive the supplemental responses until December 21, 2022. On this same day Plaintiff also received a 152-page deposition transcript. Plaintiff is currently reviewing these documents and will need time to prepare motions. Additionally, preparation of motions requires legal research, and law library staff has only been providing Plaintiff with one four-hour day of law library access per week. Moreover, Plaintiff will need more time to review confidential materials once the Court issues its order regarding the official information privilege. Finally, Plaintiff is still conducting his own investigation and seeking documents related to defendant Ceballos. Plaintiff

1 filed a public records request to North Kern State Prison and will need time to receive a response
2 to this request. Plaintiff asserts that these records are material to this case.

3 The Court finds good cause to grant Plaintiff's motion in part. As Plaintiff did not receive
4 Defendants' supplemental responses until December 21, 2022, the Court finds good cause to
5 extend his deadline to file motions to compel. However, as the Court has already extended
6 Plaintiff's motion to compel deadline twice (ECF Nos. 80 & 118), the Court will only grant
7 Plaintiff fourteen days from the date of service of this order to file his motions to compel
8 regarding Defendants' supplemental responses. Given this and other outstanding motions to
9 compel, the Court also finds good cause to extend the dispositive motion deadline to April 6,
10 2023.¹

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff has fourteen days from the date of service of this order to file motions to
13 compel, if any, only regarding Defendants' supplemental responses and objections.
- 14 2. The deadline for filing dispositive motions, including motions for summary
15 judgment (other than dispositive motions based on the defense of failure to exhaust
16 administrative remedies), is April 6, 2023.
- 17 3. All unmodified terms and conditions of the Scheduling Order remain in full force
18 and effect.

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20 IT IS SO ORDERED.

21 Dated: **January 4, 2023**

22 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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26 ¹ The Court does not find good cause based on Plaintiff's purported need to review the deposition transcripts
27 and potentially file motions related to the transcript, or based on Plaintiff's ongoing investigation regarding defendant
28 Ceballos. Plaintiff does not identify any potential motions he needs to file regarding the deposition transcript.
Additionally, Plaintiff does not explain why documents related to defendant Ceballos, who has defaulted, are relevant
to dispositive motions.